

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

The MPAA would answer this question with no, I disagree with this however, in light of thier own explanation found in thier own FAQ on thier web site.

Under current technologies, where compliant recording devices have not yet been implemented, there will be no restriction of recording the content, as long as thier recieving equipment is compliant. However, once compliant devices are implemented, the media recorded on these devices would only work on compliant devices, eliminating the current playback technologies out of the picture, limiting the consumer to one proprietary technology of recieve, record, and playback. While perhaps not cutting off the ability of one to make a personal copy of viewing material legally obtained, it does present a significant obstacle, hence an interference. A consumer must own the entire set of proprietary technology for there to be no interference; hence the inteference is not in the technology itself, but rather in the control and distribution of that technology.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices?

This answer follows the same with the earlier, as long as all components in the system are of the same proprietary technology there is no interference, the problem is in the control and distribution, and wheter or not the collateral damage is worth it or not.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

Only on the first level. All recieving equiupment would have to made over to accept this flag, otherwise no programming would be recieved if as proposed this flag would be present in the demodulation stage. Beyond that older existing technologies will be used, which calls another question, if the older technologies remain, this legislation will be almost inactive, for illegal copying schemes will be just as easy as long as a compliant technology reciever is obtained. What precedent would this legislation allow for then to outlaw previous technology? If such legal precedent were established, the limit on current consumer technology would be great, for all media systems would then have to become compliant, which entails proprietary to the mass media only. Computers, Radios, Televisions would all have to have automatic information censureship to make them compliant devices. Such a complete overhaul would not only be economically distressive, but at the same time limiting technolgical development in other areas.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Yes. This is inherent in a proprietary technology system, the idea is to prevent one technology from interfering with another. The protected part would be the digital broadcast and the flag technology used to protect it. It is designed to prevent other digital technologies from circumventing, or interfering with it, such as in the act of demodulating it and copying it, or otherwise manipulating the flagged signal without compliant technology. Any other competing technology would have to work on demodulating the current signal in another manner, however this work is illegal according to

the DMCA passed in 1998 under President Clinton. No competing technology can work against it if it becomes a lawful way of protecting copyrighted material. Hence if enacted, any other current technologies that could compromise this, such as the digital to analog converters and digital signal processors found in almost all consumer electronics would have to be ruled illegal, and further development in these areas would have to be halted if they didn't include the proprietary technology and licensing. It is a concrete pylon on the road of communications development.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

As I have mentioned earlier. With this planned implementation all consumer equipment related to media content, televisions, computers, radios, personal cd players, VCRs, satellite systems, DVD players, CD-R & DVD-R technologies, etc, would have to be overhauled to become compliant. This would be due to the DMCA law again, which would not allow for any device which could be used to compromise the flag, all digital processing technology would have to be altered. If action is not taken under the DMCA, action will certainly be taken in the form of additional legislation by MPAA to secure the integrity of the broadcast flag, if no action was taken than this whole initiative would be for naught, and a mere blowing of smoke. Some further action will need to be taken for this mandate to be effective, all possible technologies that would infringe upon this act would have to be resrtricted, either under the DMCA or further legislation. This would be a massive undertaking economically, and politically.

#### Other Comments:

I would like to be clear to the effect that I don't not oppose the protection of intellectual property, I respect the MPAA for trying to protect that which they have legal right to. I am opposed to what they do not have right to, and are attempting to secure with legislation. The consequences of this legislation are greatly negative, it will infringe on the rights of others to develop competing technologies, and the rights of consumer choice. I do not believe this is the intention of MPAA, but it is the consequence. This legislation will introduce the possiblity of the outlaw of competing technologies which manipulating digital signals under the DMCA introduced in 1998, for no technology can have the possibility of compromising the proposed flag. This would impact many pursuits, amateur radio would be one of the hardest hit, as an amateur license holder, and memeber of the ARRL this concerns me the most. Under Part 95 of the FCCs rules we are bound to the "Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art." If this technology becomes law and the DMCA or other legislation outlaws competeing technologies that manipulate digital signals, most of our radio art will be gone. Our radios will be outlawed, and if compliant radios are made available, or change to contribute to the advancement is lost, for we will not be able to modify this technology or compete with it, for it will be illegal. Technological stagnation. With the value that ham radio has proved to be to this country in it's times of need what will happen if we can no longer innovate, and be of service to this country? And what of our rights to our own pursuits, outlawing portions of our hobby, a hobby that continually serves the public? I know the MPAA had no malicious intentions, but these are the serious consequences that this legislation could promote. It sets a legal precedent and other allowances that could stagnate innovation in this country's wireless and communications technology in general. Our whole communication system is digitally based now, are we going to shoot ourselves in the foot and let one industry run

the development of an entire nation? This legislation is dangerous. I realize the need for protection as I said before, I know there are deadlines involved, but should we adopt bad legislation just because we have reached a deadline that we ourselves have set? No, digital protection is needed, but another solution needs to be found. It is a logical fallacy in itself to see only one solution. Hence more solutions should be explored before we as a nation run into a hazardous space of dangerous legislation which limits our freedoms and our technological edge over the world at large.